

Montgomery Panel W. Post 10-13-05 Lowers Home Heights

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A Montgomery County Council committee approved a plan yesterday to cap the height of new houses in older neighborhoods at 32 feet — more or less.

The council's Planning, Housing and Economic Development Committee, chaired by Steven A. Silverman (D-At Large), approved changes in the law that has allowed some builders to exceed legal limits of 35 feet and 2½ stories, giving rise to complaints about "mansionization."

The panel agreed that a house or renovation should be measured from where it meets the ground — rather than from the middle of the street, as existing law provides — to the midpoint of the roof, allowing buildings to be taller than 32 feet. It also decided to throw in another foot so that houses could be raised to improve drainage, potentially increasing the maximum height to 33 feet.

At the same time, the committee eliminated the "terrace exception," which allows builders to pile up dirt and then measure the height of the house from that higher point.

The bill is to go to the full council Tuesday for a vote. Its sponsor, council member Howard A. Denis (R-Potomac-Bethesda), who had threatened to withhold support because he thought the committee had delayed and weakened the bill, said yesterday that he thinks the panel is "moving in the right direction." He said he needs to fully analyze the new plan before deciding whether he will support it. His original bill capped height at 30 feet from the pre-development grade of the property to the mid-

point of the roof.

Carol Green, an environmental lawyer who lives in a Bethesda neighborhood where many large, new houses tower over those of neighbors, said that she was "relieved" that the panel sent the bill to the council after almost two years but that the measure may have the effect of allowing taller houses than the current 35 feet, measured from the middle of the street.

"The committee only considered changes in methodology . . . but never went back to the issues at hand, which is closing loopholes in older neighborhoods and preserving character of older neighborhoods," she said.

"They went to such a mushy standard that they created a new loophole," she said, referring to the extra foot to help with drainage.

Silverman, who has been criticized by neighborhood groups for keeping the bill in his committee until weeks before it is to expire at the end of the year, said the measure is not one of his top priorities.

He said he had spent most of his time during the past two years trying to work out ways to make housing more affordable in the county and scrutinizing the county's budget. He also said he wasn't convinced that Denis's bill would do much to address concerns about the changing character of older neighborhoods because it doesn't tackle the width of houses. But he said he wasn't inclined to push for a separate bill that might do that.

"I won't be here next year," he said, referring to his expected quest for the Democratic nomination for county executive.